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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,586	02/20/2004	Charles Randall Yates	2002-051	7723
54472 7590 01/05/2009 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518				
EXAMINER GONZALEZ, AMANCIO				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
01/05/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/783,586

**Applicant(s)**

YATES ET AL.

**Examiner**

AMANCIO GONZALEZ

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s) Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on 09/19/2008 have been fully considered but they are not persuasive.

The main subject matter of the present application, e.g., push-to-talk in a wireless network applicable to group communication also including an ad hoc group sessions and a presence server, is clearly disclosed by the applied prior art reference, Turcanu et al. (US 20050054361 A1), hereafter Turcanu (see pars. 0002, 0022, and 0041).

Regarding applicant's arguments that Turcanu does not teach a presence server, Turcanu clearly discloses said limitation (see pars. 0006, 0022, 0029).

Regarding applicant's arguments that Turcanu cannot disclose a group server that creates an ad-hoc group for a local ad-hoc group, Turcanu does disclose wherein his invention can be applied to predetermined groups and ad hoc groups (see pars. 0041, 0069).

As a result, the argued features are written such that they read upon the cited reference.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 42-47, 49-59, and 61-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Turcanu et al. (US 20050054361 A1), hereafter "Turcanu."

Consider claim 1. Turcanu discloses push-to-talk in a wireless network for establishing a local ad hoc group session between an inviting mobile terminal and local mobile terminals (see pars. 0041, 0063). Turcanu discloses a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal (see pars. 0006, 0022, and 0029). Turcanu discloses a group server configured to create an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal (see the title, abstract, pars. 0024, 0041, 0063). And Turcanu discloses a push-to-talk server configured to establish the local ad hoc group session between the inviting mobile terminal and the local mobile terminals in the ad-hoc group responsive to a request from the inviting mobile terminal (see pars. 0024, 0041).

Claims 55 and 64 address the same subject matter as claim 42, therefore same rejection applies.

Consider claims 43, 56, and 68. Turcanu teaches claims 42, 55, and 64 respectively, and further teaches wherein the group server is further configured to: determine whether a given local mobile terminal is blocked from inclusion in the ad-hoc group based on a block list stored in memory at the group server and include the given

mobile terminal within the local ad-hoc group if the given mobile terminal is not blocked (see pars. 0029, 0041, 0043, 0047).

Consider claims 44, 47, 57, and 59. Turcanu teaches claims 42, 46, 55, and 58 and further teaches wherein the push-to-talk server sends an invite message to the local mobile terminals in the ad-hoc group, and establishes the local ad hoc group session between the inviting mobile terminal and the local mobile terminals in the ad-hoc group that respond to the invite message (see par. 0041).

Consider claim 45. Turcanu teaches claim 42 and further teaches a server that receives the request from the inviting mobile terminal and forwards a list of the local mobile terminals identified by the presence server to the push-to-talk server (see par. 0043).

Consider claims 46, 49-54, 58 and 61-67. Turcanu teaches claims 42 and 55 and further teaches presence server functionally for a group communication, including an ad-hoc group (see pars. 0017, 0022, 0029, 0034, and 0047).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 48 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turcanu et al. (US 20050054361 A1), hereafter "Turcanu," in view of Winchell et al. (US 20020151321 A1), hereafter "Winchell."

Consider claims 48 and 60. Turcanu teaches claims 46 and 58, but does not particularly refer to group communication based on a subject of interest.

Winchell teaches group communication based on a subject of interest (see par. 0045 lines 1-21).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Turcanu and have it include group communication based on a subject of interest, as taught by Winchell, for the purpose of conveniently utilizing network resource by saving cost, as discussed by Winchell (see pars. 0005 and 0006).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents

P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Appiah, can be reached at (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

December 26, 2008

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617